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Report of the Select Committee on the Travancore-Cochin Irrigation (Amendment) Bill, 1962 and the Bill as Reported by the Committee.

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THE TRAVANCORE-COCHIN IRRIGATION (AMENDMENT) BILL, 1962

(Report of the Select Committee)

The Select Committee to which the Travancore-Cochin Irrigation (Amendment) Bill, 1962 was referred, have considered the Bill clause by clause and now submit this, their report, with the Bill as reported by the Committee annexed thereto.

2. The Bill was published in the Gazette Extraordinary dated the 1st January 1963. The Bill was introduced in the Assembly on the 16th January 1963 and the motion for reference of the Bill to a Select Committee was adopted on the same date.

3. The Committee met on the 12th March 1963. The changes proposed by the Committee and the reasons therefor are set out in the following paragraphs:

4. *Clause 2.*—The Committee consider that the execution of work connected with irrigation, flood control, etc., for purposes of agriculture should be taken up even if the request is only from one member and that the estimate of the cost of the work should be prepared according to the rules prescribed for that purpose. It is also unnecessary that there should be any special authorisation for this purpose. Necessary modifications have been made.

5. *Sub-section (2) of Section 40-A.*—The Committee are of the view that sub-section (2) enabling a proprietor to give notice to the defaulting proprietor, undertake the work if he fails, and recover the cost thereof from him is unnecessary. Accordingly the sub-section has been omitted.

6. *Sub-section (2) of Section 40-A.*—[Original sub-section (3)]. The words "two or more" have been substituted by the words "one or more" for the same reasons as stated with reference to sub-section (1) above.

The other changes made are either verbal or consequential.

E. P. POULOSE,
Chairman of the Select Committee.

THE TRAVANCORE-COCHIN IRRIGATION (AMENDMENT) BILL, 1962

(As amended by the Select Committee)

(Words underlined indicate the amendments suggested by the Committee; Omissions are indicated by asterisks)

A

BILL

to amend the Travancore-Cochin Irrigation Act, 1956 (Act 7 of 1956).

Preamble.—WHEREAS it is expedient to amend the Travancore-Cochin Irrigation Act, 1956 for the purposes hereinafter appearing;

BE it enacted in the Fourteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Travancore-Cochin Irrigation (Amendment) Act, 1963.

(2) It shall come into froce at once.

2. *Substitution of new section for section 40-A.*—In the Travancore-Cochin Irrigation Act, 1956 for section 40-A the following section shall be substituted, namely:—

"40-A. *Procedure on failure to contribute cost or labour for work to be done by joint labour and other provisions to facilitate cultivation.*—

(1) Whenever, by local custom or for other good reason, any work connected with irrigation, flood control or drainage for purposes of agriculture should be done by the joint labour or cost of the proprietors of all the lands benefited by such work, if any such proprietor fails or neglects to do his share of the work, or contribute his share of the cost or labour, it shall be lawful for the Collector, the Punja Special Officer or any other officer authorised by the Government in this behalf, on the application of one or more of the proprietors interested in such work or injured by such failure or neglect, to investigate the matter and pass such order as he deems fit, and he may by such order also direct the defaulting proprietor to execute any portion of the work or pay any portion of the cost of the work. If the order directs that the defaulting proprietor shall execute a portion of the work, it shall distinctly specify the portion of the work to be executed, the time within which it should be done and the estimate of the cost of such work prepared in such manner as may be prescribed. On the defaulting proprietor refusing or failing to

execute such work within the time fixed in the order, the work may be executed under the orders of the Collector, the Punja Special Officer or such other officer authorised as aforesaid and the cost thereof may be recovered from such defaulter.

** ** ** **

(2) Whenever one or more proprietors of a Punja Padasekharam, or Kolepadavu apply to the Collector, the Punja Special Officer, or any other officer authorised by the Government in this behalf, to arrange for dewatering such Punja Padasekharam or Kolepadavu for the purpose of paddy cultivation, it shall be lawful for the Collector, the Punja Special Officer or such other officer to arrange the dewatering of such Punja Padasekharam or Kolepadavu and to recover the cost thereof from the proprietors. The Collector, the Punja Special Officer or such other officer arranging the dewatering work or any person authorised by him to execute such work shall have power to enter upon any land and instal any machinery for the purpose of dewatering and to execute any temporary work incidental to the dewatering.

(3) When any portion of the bund in any Punja Padasekharam or Kolepadavu has not been constructed or repaired properly, it shall be lawful for the Collector, the Punja Special Officer or any other officer authorised in this behalf by the Government, to carry out the repair or construction and to recover the cost thereof from the proprietors liable to do that work.

(4) Whenever cultivation in any Punja Padasekharan or Kolepadavu or in any field in any such Padasekharam or Kolepadavu is likely to be affected due to want of proper irrigation or drainage facilities, the Collector, the Punja Special Officer or any other officer authorised in this behalf by the Government, shall have power to arrange to execute any temporary works for removal of obstruction to existing vachals, deviation of vachals, provision for new vachals or such other temporary works, as are necessary to irrigate or drain the Padasekharam or Kolepadavu or the field. The Collector, the Punja Special Officer or such other officer arranging such work, or any person or persons authorised by such officer to execute the work shall have, notwithstanding anything contained in any other law for the time being in force, power to enter upon any land and to do the work. The cost incurred on such works shall be recoverable from the parties liable to do the works.

(5) Notwithstanding anything contained in sub-sections (1), (2), (3) and (4), the Collector, the Punja Special Officer or any other officer authorised by Government shall not execute any work under the aforesaid sub-sections, if the majority of the proprietors to be benefited by the work intimate the Collector, the Punja Special Officer, or the officer authorised, in writing that they do not want the work to be executed.

(6) The Collector, the Punja Special Officer, or the officer authorised may exercise such powers and perform such duties, as may be prescribed for the collective benefit of the majority of the proprietors of lands in matters connected with irrigation.

(7) (a) Any party aggrieved may within such time as may be prescribed by the Government appeal to the Government, or to any officer specially authorised by the Government in this behalf by notification in the Gazette, against any order passed by the Collector, the Punja Special Officer or the officer autborised under sub-section (1), or sub-section (2), or sub-section (3), or sub-section (4), and the Government or such other officer, as the case may be, may thereupon pass such orders as they or he think or thinks just and reasonable after giving notice to the opposite party and hearing him, if he appears.

(b) It shall be lawful for the Government to revise any order of the Collector, the Punja Special Officer or the officer authorised, or specially authorised, made under this section and pass sucb orders as are in their opinion just and reasonable, after giving notice to the party affected and hearing him, if he appears.

(8) Any sum of money payable under the provisions of this section may also be recovered from the defaulting proprietor as arrears of Land Revenue under the Revenue Recovery Act for the time being in force. * * * * * * *

Illustration.—Putting up of ring bunds or drainage of water in Punja Padasekharams in Kuttanad area or Kole Lands in Trichur Taluk are instances of works contemplated in this section.

Legislature Secretariat,
Trivandrum,
14th March 1963.

D. TIRUMALAI,
Secretary.